

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

XCOAL ENERGY & RESOURCES,

Plaintiff,

v.

BLUESTONE ENERGY SALES CORPORATION,  
SOUTHERN COAL CORPORATION, AND JAMES  
C. JUSTICE, II,

Defendants.

C.A. No. 18-cv-819-LPS

**STIPULATION AND [PROPOSED] ORDER**

WHEREAS, On April 14, 2021, this Court entered a Judgment (D.I. 167) against the Defendants, jointly and severally, in the amount of \$6,814,105.30, and in favor of Plaintiff (the “Judgment”).

WHEREAS, on May 28, 2021, Defendants filed a Motion for Approval of Bond and to Stay Execution of Judgment (D.I. 189);

WHEREAS, Defendants’ Motion attaches as Exhibit A thereto (D.I. 189-2) a Bond identified as Bond No. K40408460 in the maximum amount of \$8,176,927.00 (the “Bond”);

WHEREAS, Plaintiff does not object to the terms of the Bond (D.I. 189-2); and

WHEREAS, the parties have met and conferred regarding the relief requested in Defendants’ Motion (D.I. 189), and stipulate and agree as follows:

IT IS HEREBY STIPULATED AND AGREED by the parties hereto, through their undersigned counsel, subject to the approval of the Court, that, pursuant to Rule 62(b) of the Federal Rules of Civil Procedure, the Bond (D.I. 189-2) is hereby approved and execution on the April 14, 2021 Judgment (D.I. 167) is hereby stayed as of the date of this Order through the date of the issuance

of the mandate by the United States Court of Appeals for the Third Circuit following any appeal timely filed by Defendants concerning the Judgment.

Counsel for Xcoal Energy & Resources:

/s/ Geoffrey G. Grivner

BUCHANAN INGERSOLL & ROONEY PC  
Geoffrey G. Grivner (#4711)  
919 North Market Street, Suite 990  
Wilmington, Delaware 19801-3046  
(302) 522-4200  
*geoffrey.grivner@bipc.com*

Kevin P. Lucas (admitted *pro hac vice*)  
Daniel C. Garfinkel (admitted *pro hac vice*)  
Buchanan Ingersoll & Rooney, P.C.  
Union Trust Building  
501 Grant Street, Ste. 200  
Pittsburgh, Pennsylvania 15219  
(412) 562-8350  
*kevin.lucas@bipc.com*  
*daniel.garfinkel@bipc.com*

Counsel for Bluestone Energy Sales Corporation, Southern Coal Corporation and James C. Justice, II:

/s/ John A. Sensing

POTTER ANDERSON & CORROON, LLP  
John Anderson Sensing (#5232)  
Jennifer Penberthy Buckley (#6264)  
Hercules Plaza, 6<sup>th</sup> Floor  
1313 N. Market Street  
Wilmington, DE 19801  
(302) 984-6000  
*jsensing@potteranderson.com*  
*jbuckley@potteranderson.com*

Richard A. Getty (admitted *pro hac vice*)  
THE GETTY LAW GROUP, PLLC  
1900 Lexington Financial Center  
250 West Main Street  
Lexington, KY 40507  
(859) 259-1900  
*rgetty@gettylawgroup.com*

McGUIRE WOODS LLP  
George R. Terwilliger (admitted *pro hac vice*)  
2001 K. Street N.S., Suite 400  
Washington, D.C. 20006  
(202) 857-2473  
*gterwilliger@mcguirewoods.com*

John D. Wilburn (admitted *pro hac vice*)  
Brooks H. Spears (admitted *pro hac vice*)  
1750 Tysons Boulevard, Suite 1800  
Tysons, VA 22102  
(703) 712-5372  
*jwilburn@mcguirewoods.com*  
*bspears@mcguirewoods.com*

Ryan D. Frei (admitted *pro hac vice*)  
Gateway Plaza, 800 East Canal Street  
Richmond, VA 23219  
(804) 775-1134  
*rfrei@mcguirewoods.com*

Dated: June 4, 2021

**APPROVED AND SO ORDERED**, on this \_\_\_\_ day of \_\_\_\_\_, 2021

---

Chief Judge Leonard P. Stark